



Appeal Decision

Site Visit made on 16 June 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2021

Appeal Ref: APP/Q5300/W/20/3262745

Land opp. Arnos Grove Station, Bowes Road, London, N11 1BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchinson 3G UK Ltd against the decision of London Borough of Enfield.
 - The application Ref 20/02306/PAT, dated 18 July 2020, was refused by notice dated 14 September 2020.
 - The development proposed is telecommunications installation: Proposed 18m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to prior approval applications and subsequent appeals because planning permission is granted by Article 3(1).
4. The principle of development is established by the GPDO 2015, the provisions of Schedule 2, Part 16, Class A of which do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
5. The Mayor of London has now published the London Plan 2021 (TLP) and this forms part of the development plan for the area and the Council has suggested that Policies D4, G7, GG1, GG2, GG3, GG5, GG6, HC1, HC3 and T2 of the TLP are now the policies relevant to the determination of the appeal. Similarly, the Framework was revised on 20 July 2021. The main parties had opportunity to comment upon the relevance of any revised content in the Framework and TLP and I have had regard to any responses received in my decision.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the street scene, including the setting of the Grade II* listed building, known as Arnos Grove Underground Station, and the visual amenity of an adjacent street tree.

Reasons

Site and surroundings, significance and setting

7. The appeal site concerns part of the wide footway to the northern side of Bowes Road between Arnos Road and Brookdale, it is a short distance east of the Grade II* listed Arnos Grove Underground Station. This part of Bowes Road is predominantly a commercial and retail area but there are residential properties to the south. The footway features numerous existing items of street furniture, the extent and proximity of which do not contribute positively to the overall character and appearance of the street scene or the setting of the listed building.
8. The Station was listed in 1971 but was built in 1932 to the design by Charles Holden. The list description is comprehensive of the significance of the listed building and includes thorough descriptions of the history and internal and external details of the building. As far as it is relevant to the appeal before me, the significance of the listed building lies in its landmark status in both its architectural and historic interest. Moreover, it is strikingly prominent and unique and acclaimed as perhaps the best of Holden's ground-breaking Modernist designs for the Piccadilly Line extensions of the early 1930s, which introduced continental modern design to the masses, while simultaneously creating a brand image to buildings and design when this was still novel.
9. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. In so far as is relevant to this appeal, the setting of the listed building includes, but is not limited to the land either side of the railway cutting, which takes in the footway where the proposal would be situated, the two car parks either side of the Station and the bus and cycle interchange to its frontage. This area is the most prominent from which the asset can be experienced, but the building is also evident beyond it. Nevertheless, this area contributes positively to its significance.

Effect of the proposal on the setting of the listed building and the character and appearance of the street scene

10. The proposed monopole would be a tall structure with a pronounced projecting base and various antennae would be clearly evident in its unshrouded headframe. I appreciate that these aspects of the design are primarily owing to the technical requirements of 5G, but the monopole would be significantly taller than the existing street furniture and the adjacent tree. It would also stand out as a strident and discordant feature that would be prominent within the setting of the listed building and add to cluttering of the street scene, alongside the street furniture. The height, profile and appearance of the proposal and its overall visual prominence would therefore detract from the striking form and architecture of the listed building.
11. I have had regard to the zones of visibility advanced by the appellants and I appreciate that the proposal has been sited some distance from nearby

residences, which reduces its visibility. Even so, it would still be conspicuous within its immediate surroundings and would be experienced by users of the Station, bus stops and carparks.

Effect on the street tree

12. While the street tree to the east of the proposal leans slightly north, it has a fairly compact and evenly shaped canopy. It therefore makes a positive contribution to the visual amenity of the area, which includes the setting of the listed building and the character and appearance of the street scene.
13. I accept that the proposed equipment cabinets would be positioned beyond the proposed monopole, but this and the wraparound cabinet at its base would be within close proximity of the tree. No substantive evidence has been provided in relation to the extent of the Root Protection Area (RPA) of the tree, the nature of the groundworks required to construct the proposal, a method statement in relation to those works or any protection required for the tree.
14. Given the potential risk to the tree and the uncertainty surrounding the extent of ground works that would be required, I am not persuaded that it would be appropriate to protect against damage to the tree by ensuring all works are carried out in accordance with BS5837:2012 as suggested by the appellants. In any event, I am mindful that the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. This would also apply to the appellants suggestion in relation to the colour of the proposal.
15. Based on the evidence before me, there is a significant prospect that the ground works required to implement the proposal would have a harmful effect on the RPA and the long-term health and growth potential of the tree. The risk to it from potentially harmful works or removal could therefore harm the character and appearance of the street scene and the setting of the listed building.

Public benefits and conclusions on the main issue

16. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
17. The proposal would be significantly harmful to the setting of the Grade II* listed building, which would have a negative effect on its significance as a designated heritage asset. This would equate to less than substantial harm to its significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
18. I have been referred to the government's Future Telecoms Infrastructure Review. This aligns with the main thrust of the Framework, which suggests that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.

19. In the local context of Bowes Park, businesses, residents, and commuters alike, all utilise the networks for mobile connectivity and coverage and there are gaps in the coverage available on the appellants networks. The proposal would introduce 5G coverage with a vastly improved level of service, both in terms of access and speed for the operators in this location and, thereby, maintain competition between different operators, as encouraged by the Framework. This would also have economic and social benefits, including more efficient and secure service delivery; increased consumer and business value, productivity, and innovation; and improved health and well-being, all through improved connectivity. I afford these benefits considerable weight.
20. The proposal would reduce the need for further installations in the cell area, although this assumes that other operators would not require improved coverage, I therefore afford this benefit limited weight.
21. I have also had regard to the appellants argument that the site is the most suitable location for the appeal scheme and was chosen in accordance with the sequential approach outlined in the Framework. However, their *Site Specific Supplementary Information* suggests one of three sites discounted was not selected as the proposed option was more favourable. There is very little additional explanation as to why it would not be suitable. The document also includes two sites that are not discounted, one being the appeal site, but the second is not explored any further. This calls into question the site selection process undertaken, so I am unable to afford it any more than limited weight.
22. Similarly, while the proposed monopole would be less intrusive than a shared 5G structure with levels of open antennae headframes on a considerably more bulky and intrusive support structure, the appellants also suggest the proposal is required for sharing to be facilitated. I have therefore given this argument limited weight, particularly as the latter does not constitute the appeal scheme.
23. The aforementioned matters would therefore overall amount to public benefits of considerable weight in social and economic terms to those using the network, which would be balanced by the significant harm that would be caused to the setting of the listed building.
24. Taking the above public benefits together, I acknowledge that there is a fine balance between these and the harm that I have identified to the setting of the Grade II* listed building. However, in my view, the significant harm I have identified, in respect of the height, profile and appearance of the proposal and its overall visual prominence, is determinative. Therefore, in accordance with paragraphs 199 and 202 of the Framework, considered together, I consider that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
25. In light of all of the above, I conclude that, on balance, the siting and design of the proposal would fail to preserve the setting of the Grade II* listed building and have a harmful effect on the character and appearance of the street scene, including the visual amenity of the street tree to the east of the site. Hence, the appeal scheme would fail to satisfy the requirements of paragraphs 197 and 199 of the Framework and conflicts with the aims in respect of design, heritage and trees expressed in Policies DMD37, DMD38, DMD44, DMD80 of the Council's Development Management Document (Adopted November 2014) (DMD), Core Policies 30, 31 and 36 of the Council's Core Strategy (Adopted November 2010), and policies D4, G7, GG1, GG2 and HC1 of the TLP.

26. I have not found against policies GG3, GG5, GG6 and T2 of the TLP as they relate to matters of health, growth of the economy, efficiency and resilience, and healthy streets which are not relevant to the matters that can be considered in this appeal or have been identified as concerns by the Council. I have also not found against Policy HC3 of the TLP, as the Council has not clearly identified any local views and the site is not within one of the designated Strategic Views; and Policy DMD81 of the DMD, as this relates to the requirements of new landscaping, which is not relevant to the proposal.

Other Matters

27. The appellants suggest they submitted the proposal for pre-application advice and this was not forthcoming from the Council or its Councillors, but the Council suggest it has no knowledge of any request for advice. The appellants have also referred to the conduct of the Council in the determination of the application, specifically the absence of specialist advice in relation to the matters of contention and the failure to undertake a heritage balance as required by the Framework. These are primarily not matters for me to consider as part of this appeal and I have considered the individual merits of the appeal scheme afresh in light of the evidence before me.

Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR